

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/GB2004/001338

| <b>A. CLASSIFICATION OF SUBJECT MATTER</b><br>IPC 7 C07K14/47 C12N15/12 C07K16/18 A61K38/17 A61K31/7088<br>G01N33/53 C12Q1/68 A01K67/027   |   |  |
|--|---|--|
| According to International Patent Classification (IPC) or to both national classification and IPC  |   |  |
| <b>B. FIELDS SEARCHED</b><br>Minimum documentation searched (classification system followed by classification symbols)<br>IPC 7 C07K C12N C12Q G01N A01K A61K  |   |  |
| Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  |   |  |
| Electronic data base consulted during the international search (name of data base and, where practical, search terms used)<br>EPO-Internal, Sequence Search  |   |  |
| <b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>  |   |  |
| Category *   | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No.  |
| X  | WO 03/000864 A (EMERLING BROOKE M; HAFALIA<br>APRIL J A ; INCYTE GENOMICS INC (US);<br>GANDH) 3 January 2003 (2003-01-03)<br>*** see Seq.ID's 30 and 66 ***                         | 1-9,<br>11-21, 26  |
| X  | EP 1 074 617 A (HELIX RES INST)<br>7 February 2001 (2001-02-07)<br><br>*** see Seq.ID's 12105 and 12106, and<br>passages relating to clone NT2RP4000481<br>***<br><br>-----<br>-/-- | 1, 3-9,<br>11-13,<br>15,<br>17-21, 26                                |
| <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Further documents are listed in the continuation of box C.         </div> <div> <input checked="" type="checkbox"/> Patent family members are listed in annex.         </div> </div>  |   |  |
| <b>* Special categories of cited documents :</b>   |   |  |
| <div style="display: flex;"> <div style="flex: 1;"> <p><b>*A*</b> document defining the general state of the art which is not considered to be of particular relevance</p> <p><b>*E*</b> earlier document but published on or after the international filing date</p> <p><b>*L*</b> document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p><b>*O*</b> document referring to an oral disclosure, use, exhibition or other means</p> <p><b>*P*</b> document published prior to the international filing date but later than the priority date claimed</p> </div> <div style="flex: 1;"> <p><b>*T*</b> later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p><b>*X*</b> document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p><b>*Y*</b> document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</p> <p><b>*G*</b> document member of the same patent family</p> </div> </div> |   |  |
| Date of the actual completion of the international search<br><br>13 July 2004  |   | Date of mailing of the international search report<br><br>08/09/2004 |
| Name and mailing address of the ISA<br>European Patent Office, P.B. 5618 Patentlaan 2<br>NL - 2280 HV Rijswijk<br>Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,<br>Fax: (+31-70) 340-3016   |   | Authorized officer<br><br>Smalt, R                                   |

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No.   |
|------------|---|---|
| X          | <p>           DATABASE EMBL 'Online!<br/>           1 March 2003 (2003-03-01),<br/>           STRAUSBERG R.L. ET AL.: "Hypothetical<br/>           protein"<br/>           XP002287731<br/>           Database accession no. Q8IY21<br/>           the whole document<br/>           -----         </p> | <p>           1-9, 15,<br/>           16,<br/>           19-21, 26         </p> |

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## Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:
- a. type of material
- ☒ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☒ in computer readable form
- c. time of filing/furnishing
- ☒ contained in the international application as filed
- ☐ filed together with the international application in computer readable form
- ☐ furnished subsequently to this Authority for the purpose of search
2. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

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## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 10  
because they relate to subject matter not required to be searched by this Authority, namely:  
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☒ Claims Nos.: 10  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

### Continuation of Box II.1

Although claim 14 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Although claims 22-25 are directed to a diagnostic method practised on the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

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### Continuation of Box II.2

Claims Nos.: 10

Claim 10 relates to a polynucleotide which directs expression in vivo of a polynucleotide of claims 1 or 2. The native promoter naturally associated with the claimed coding sequence was not cloned in the application, hence there is no support in the sense of Art.6 PCT. In principle any nucleic acid with promoter activity falls within the scope of the present claim 10, but a meaningful search of the claim is not possible.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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| Patent document<br>cited in search report |   | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
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